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## **Legal Memorandum**

**To:** Tennessee Law Enforcement Officers  
**From:** TLETA Legal Staff  
**Date:** January 19, 2022  
**RE:** Changes to Tennessee Code Annotated (T.C.A.)

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*{ This legal memorandum is to bring attention to recent changes in the Tennessee Code Annotated, hereinafter referenced as the T.C.A., from the past legislative season. These updates are offered solely for informational purposes and do not show the complete statute. It is strongly encouraged for anyone to consult the complete updated T.C.A. to see if the current law applies to the situation being confronted. }*

One of the most notable changes to the T.C.A. from the past legislative season involved the offense of Burglary. Burglary in all forms was removed from the crimes against property section under chapter 14 of title 39 of the T.C.A. to chapter 13, thereby classifying it as a crime against persons. All related burglary statutes may now be found at T.C.A. § 39-13-1001, 1002, and 1003 respectively. None of the elements have changed for burglary, aggravated burglary, or especially aggravated burglary but there has been some clarification language added to assist in interpretation. Burglary offenses were previously located at T.C.A. § 39-14-402, 403, and 404.

Another area of change is the new T.C.A. § 39-13-116- Aggravated Assault against first responder or nurse statute that went into effect July 1, 2021. This law, in summary form, is simple assault and aggravated assault combined into one statute. The difference from the regular statutes lies in its prescribed minimum sentences to serve and mandatory minimum fines to be levied on offenders that assault first responders or nurses. A definition section included in the new statute defines whom qualifies as a first responder and nurse. The sentences to serve still fall into the Class A Misdemeanor or Class C Felony Classification, based upon the appropriate assault elements being met, but have minimum incarceration times and minimum mandatory fines.

For those that may have to deal with self-defense use of force; under T.C.A. § 39-11-622 Justification for use of force- exceptions-immunity from civil liability a large section spanning a page and a half has been added to the previous code; most of the addition involves immunity from civil liability for justified self-defense.

T.C.A. § 39-13-609-Freedom from Unwarranted Surveillance Act-Use of Drones- Law Enforcement use of drones has been prohibited in Tennessee unless a search warrant is obtained or an exception to the search warrant requirement existed. A section listing exceptions to the warrant requirement was carved out at original drafting; this exceptions section has been expanded to include the use of drones at crime scenes, certain outdoor events, and scenes of natural disasters during a state of emergency declaration. There is also a section added and amended from the original draft dealing with collecting and preserving evidence collected by drones.

A new T.C.A. under 39-13-612 titled- Personal Privacy Protection Act-has been created on how agencies can share, present as evidence, collect, and preserve personal data on individuals.

Under T.C.A § 39-13-805-Commision of act of terrorism- has become a Class A Felony, punishable as first-degree murder when loss of life occurs. This offense was previously under the first-degree murder statue but has been removed to the stand-alone statute.

Grading of Theft under T.C.A. § 39-14-105 makes the theft of any firearm an automatic E Felony with a minimum 180 days to serve. If the firearm is valued at over \$2500 it follows normal grading guidelines above the E Felony.

T.C.A. § 39-14-155-Mail Delivery and Offenses- was created to prevent and curb porch pirates. On the first offense it is handled as is normal theft, but a second offense is an automatic E Felony. If the value of the item is above E Felony guidelines it follows normal theft grading.

Aggravated Cruelty to Animals- T.C.A. § 39-14-212 has language changes made to the statue to be more inclusive of various circumstances and clearer in understanding.

T.C.A. § 39-14-411- Destruction or interference with utility lines, fixtures, or appliances or property utilized by railroads- has had more added to the statute to constitute an offense.

T.C.A § 39-16-517-Threat of mass violence on school property or at school-related activity – has been added to the code to stop threats at school, these threats can be made in a wide-ranging manner. (on-line, social media, notes, drawings, etc.) There is also a clause in this new statute that deals with persons who fail to report known threats.

Evading Arrest-T.C.A.§ 39-16-517-has been enhanced to provide for an injury that occurs to persons as a result of the person evading, this is a D Felony, a C Felony if a law enforcement officer is injured, and a special section has been added making it a Class A Felony if a law enforcement officer dies during the commission of an evasion. Standard evading has been enhanced with a minimum mandatory to serve of 60 days.

Aggravated Riot, under T.C.A. § 39-17-303, has been re-written to include clearer language on what constitutes aggravated riot, especially focuses on those that come from out of state to riot or those that receive compensation to riot, in addition a set of mandatory minimums to serve for the offense of aggravated riot.

Definitions have been added to the Sexual Exploitation of Children section.

**“Permitless Carry” has been added to T.C.A. § 39-17-1307(g). (This specific statute is discussed in detail in a legal memorandum on the TLETA Legal page that provides a detailed analysis of this law)**

Updates have been made to Transporting and storing a firearm or firearm ammunition in permit holder’s privately owned motor vehicle.

A new Firearm Information Privacy Protection Act can be found at T.C.A. § 39-17-1326 and 1327.

Updates have been made to presenting a handgun carry permit to law enforcement, they can be found at T.C.A. § 39-17-1351(n) (1) and 39-17-1366(e).

**In conclusion and bearing reiteration:** These updates are offered solely to call attention to recent changes in the code; they do not show the complete statute or exact detail. It is strongly encouraged for anyone in need, to consult the complete updated T.C.A. referenced in this memorandum to see if the current law applies to the actual situation being confronted by law enforcement.

Anyone desiring access to a reliable source for the Tennessee Code Annotated may go to the Tennessee Offices of the Court or lexis webpage. The term “Tennessee Code Annotated” can also be placed in your preferred search engine and either web site should pull up.

<https://www.tncourts.gov/Tennessee%20Code>

<https://advance.lexis.com/>

Stay safe,

Scott Wilder  
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